

REMARKS

The above-identified patent application has been reviewed in light of the Examiner's Action dated April 1, 2008. Claim 1 has been amended and Claims 11, 14, 16, 22, 31 and 32 were previously cancelled. Accordingly, Claims 1-10, 12, 13, 15, 17-21, 23-30 and 33-41 are pending. The specification has been objected to under 35 U.S.C. §132(a). The drawings have been objected to under 37 C.F.R. §1.83(a). Claims 1-8 have been rejected under 35 U.S.C. §112. Claims 1-7, 9, 10, 12, 19-21, 23, 25-30, 33-35, 37, 38, 40 and 41 have been rejected as being obvious in light of Paradigm Industries, Inc. stand photographs ("Paradigm") in view of Peddinghaus and newly-cited U.S. Patent No. 849,403 to Kiser ("Kiser"). Claims 8, 24, 36 and 39 have been rejected as being obvious in view of a combination of a Paradigm and Tischendorf. Claims 13, 15, 17 and 18 have been rejected as being obvious in view of a combination of Paradigm, Tischendorf, Kiser and Peddinghaus.

Objection to the Specification

The Examiner has objected to the amendment to the specification submitted February 13, 2008 as adding new matter. While not necessarily agreeing with the Examiner's assessment, the specification has been amended to replace the objected-to phrase "may be comprised" with "further comprised". This amendment is believed to address the objection, thus, withdrawal thereof is respectfully requested.

Objection to the Drawings

The Examiner has objected to the drawings as failing to show every feature of the invention claimed. More specifically, the Examiner has correctly pointed out that a self-lubricating member that extends upwardly from the support member is not shown. Claim 1 has been amended to now state that the self-lubricating member extends from the base as shown in the figures.

Claim Rejection - 35 USC §112

Claims 1-8 have been rejected as failing to comply with the written description requirement. The amendment to Claim 1 described above is believed to address this rejection.

Claim Rejection - 35 USC §103

Claims 1-7, 9, 10, 12, 19-21, 23, 25-30, 33-35, 37, 38, 40 and 41 have been rejected as being obvious in light of a combination of Paradigm, Kiser and Peddinghaus.

Applicants ask that this rejection be withdrawn since Paradigm is not prior art. More specifically, Paradigm was designed by the above-identified inventor, thus disqualifying it as prior art under 35 U.S.C. §102(a). Furthermore, Paradigm is not prior art under 35 U.S.C. §102(b) since the instant application was filed less than a year from the first sale of Paradigm. Furthermore, it is not believed that Paradigm qualifies as prior art under any other section of 35 U.S.C. §102. Since Paradigm does not qualify as prior art, the Applicant requests that it be disqualified as prior art. In order to support the assertion of inventorship, Applicants have enclosed a Declaration Under 37 C.F.R. §1.132.

In order to support a *prima facie* case of obviousness, the combined references must disclose each and every one of the claimed elements. Since Paradigm cannot be used as prior art in this instance, the combination of Kiser and Pettinghaus must disclose all of the claimed elements. The Examiner has cited Paradigm as disclosing the majority of the claimed elements, thus, it is believed that this rejection must fail. Accordingly, Applicants respectfully request that the rejection be withdrawn.

Claims 8, 24, 36 and 39 have been rejected as being obvious in view of a combination of Paradigm and Tischendorf. Again, as stated above, Paradigm is not prior art that can be combined with Tischendorf. Thus it is respectfully requested that the rejection of these claims be withdrawn as well.

Claims 13, 15, 17 and 18 have been rejected as being obvious in view of a combination of Paradigm, Kiser, Tischendorf and Pettinghaus. As stated above, Paradigm is not prior art that may be combined with the remaining references cited by the Examiner. Thus withdrawal of the rejection is respectfully requested.

Conclusion

Based on at least the foregoing, Applicant believes that all pending claims are in condition for allowance and such disposition is respectfully requested. The Applicant also traverses the remainder of the Examiner's assertions as to what is taught or disclosed by the cited prior art. More specifically, the amendments and/or arguments submitted herein are believed to sufficiently address the Examiner's rejections and objections. Any Examiner's assertion not specifically addressed is

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not admitted as true. The Examiner is invited to review related U.S. Design Patent Application Serial No. 29/282,541, filed July 23, 2007, where the Examiner of that application stated that Paradigm did not qualify as prior art. The '541 application is a Continuation of the instant application. In the event that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,

SHERIDAN ROSS P.C.

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By: /C.W.Mueller/
Craig W. Mueller
Registration No. 52,055
1560 Broadway, Suite 1200
Denver, Colorado 80202-5141
(303) 863-9700